

August 31, 2005

Office of the Secretary  
ATT: OCBO  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**RE: Request for comment regarding possible revision or elimination of rules under the Regulatory Flexibility Act DA-05-1524**

My name is Stephen W. Gunter, and I am the President of Accounts Receivable Collections, Inc. located in Lexington, South Carolina. I am the owner of a small business that has been substantially harmed as a result of the Federal Communications Commission's regulatory decision under the Telephone Consumer Protection Act ("TCPA") that small businesses, such as mine, cannot use predictive dialers to call wireless numbers when attempting to recover delinquent payments for goods or services received by consumers.

I am aware that ACA International ("ACA") has filed a written comment with the Commission regarding this issue in response to the Commission's request for comments on the possible revision or elimination of rules under the Regulatory Flexibility Act, 5 U.S.C. 610 ("RFA"), in proceeding DA-05-1524. See FCC seeks Comment Regarding Possible Revision or Elimination of Rules Under the Regulatory Flexibility Act, DA-05-1524 (May 31, 2005). I fully support ACA's comment and the relief the Association seeks, including the ACA's characterization of the harm visited upon small businesses as a result of the Commission's rule.

To the extent that my company uses predictive dialers, we do so to complete transactions for which consumers have obtained a benefit without payment. We do not telemarket. The Commission should not permit its regulations to be used as a shield to encourage the non-payment of debts. Doing so harms small businesses, the economy, as well as consumers.

As it stands today, my company faces serious financial hardship due to the Commission's regulatory reversal that creditors and debt collectors cannot use predictive dialers to call a wireless number to attempt to recover outstanding payment obligations. I am sure that you are aware that the Commission authorized the consumer to change their landline number to their wireless phone. We have no means to identify a number prior to calling the consumer. We gain our consumer number from our clients, when assigned new business. Thus, the Commission's rule requires a business to violate the TCPA when conducting normal business calls. Your ruling allows a consumer to hide behind this ruling to prevent paying their obligation. On top of this it causes a small company, to

expend monies to comply, at a great cost, and fundamentally alter our business models to reduce or remove our reliance on predictive dialers. It also needlessly subjects us to federal enforcement and private litigation risks, even though Congress never intended such an outcome.

For these reasons, I encourage the Commission to promptly clarify that auto dialer calls to wireless numbers to attempt to recover payment obligations are not covered by the TCPA regulations for the reasons expressed by the ACA.

Sincerely,

Stephen W. Gunter  
President  
Accounts Receivable Collections, Inc.